

## **Ysgol Gymraeg Gwaun y Nant Complaints Procedures Policy**

### **Background and introduction**

Section 29 of the Education Act 2002 requires the governing bodies of all maintained schools in Wales to set up procedures to deal with complaints from “parents, pupils, members of staff, governors, members of the local community and others”. This includes complaints about the school and any community facilities or services that the school provides. The law also requires governing bodies to publish their complaints procedures.

### **Welsh Assembly Government (WAG) Guidance**

The governing body has adopted this single complaints procedure that is suitable for use by both adults and pupils and refers to the following WAG Circulars :-

**03/2004: School Governing Bodies Complaints Procedures (hereinafter referred to as Circular 03/2004); and  
39/2006: Guidance for School Governing Bodies on Procedures for Complaints involving Pupils (hereinafter referred to as Circular 39/2006).**

The school's policy is intended to be consistent with the guidance and advice in these Circulars and fulfils its obligations under Section 29 of the Education Act 2002 as outlined above. Where doubt arises, persons or committees dealing with complaints will refer to and follow the Circulars.

### **Procedure**

**Ysgol Gymraeg Gwaun y Nant School Governing Body** has established a three stage procedure. This procedure is intended to act as a model. In practice it is recognised that the procedures for stages 1 and 2 may need to be operated flexibly according to circumstances, provided always that all complaints are addressed fairly and resolved in an appropriate and timely fashion. Stage 3 is formal, and involves a complaints committee of the governing body. There are special cases:

- If a complaint concerns the Headteacher, the Chair or Vice Chair of governors, a governor or a group of governors, there are alternative procedures described on page 36.
- If a complaint relates, or appears to relate to alleged criminal activity, the action taken should be guided by paragraph 57 of Circular 03/2004.
- If a complaint involves (or appears to involve) a child protection issue, the action taken (normally by the child protection officer) should follow paragraph 58 of Circular 03/2004.

### **Principles**

This policy is guided by section 3 of Circular 03/2004. Complaints will be handled in a way that is fair to all parties. The procedures will be applied consistently within sensible bounds of flexibility reflecting the circumstances and content of individual complaints.

To enable fast and effective complaint resolution at stage 1 a person or persons handling a complaint informally at stage 1 of the procedure may make a decision even though they have an interest or prior involvement in the matter.

At stages 2 and 3 persons handling complaints should be impartial and not compromised by an interest in or prior involvement with the matter. Investigatory procedures should reflect the advice in paragraph **29** of Circular 03/2004.

## **Confidentiality**

All complaints must be handled confidentially. Accused persons should know the substance of any accusation that involves them. Circular 03/2004 considers that in certain rare circumstances this information may be withheld by the governors (paragraph 31).

## **Complaints involving pupils**

These should be considered in accordance with the guidelines at paragraphs 32-33 of Circular 03/2004 and specifically follow the guidance in Circular 39/2006. The guidance in Circular 39/2006 is supplementary to Circular 03/2004 and should be read in conjunction with it.

## **Timetables for complaints**

Every effort should be made to investigate and resolve complaints quickly and according to a timetable understood by all parties. Governors will be guided by paragraphs 35-38 of Circular 03/2004.

## **Anonymous complaints**

Unless anonymous complaints include allegations of criminality or concern a child protection matter, in which case paragraphs 57-58 of Circular 03/2004 will be followed, the person receiving the complaint will refer the matter to the Headteacher who will determine whether or not it should be investigated (paragraphs 39-41).

## **Withdrawal of complaints**

Where complaints are withdrawn this should be recorded and acknowledged by letter (paragraph 42).

## **Recording of complaints**

The recording of complaints is dealt with under each stage below. The record of any complaint shall be kept for at least three years following the finalisation of the complaint.

Governors will from time to time request a detailed report on complaints received, and any trends and issues arising therefrom. This report will be the responsibility of the Headteacher, who may delegate its compilations.

## **Consideration and Resolution of the Complaints**

### **Stage 1: A complaint is received and resolved informally by the first recipient of the complaint**

Such a complaint may be made orally or in writing. The person receiving and handling the complaint will provide an opportunity for the complainant to meet with the recipient so that a decision can be reached, usually within ten school days, and conveyed to the complainant. The complainant should be advised that if s/he is dissatisfied with the outcome the complaint may be referred to the Headteacher. If the Headteacher is the first recipient of the complaint s/he may decide to delegate its handling to another member of staff under stage 1 or proceed instead to stage 2.

## **Stage 2: A complaint is considered by the Headteacher**

The Headteacher may handle a complaint informally according to the procedures laid down at stage 1. However, if the matter has not been resolved at stage 1 and the complainant refers the matter to the Headteacher, or in other circumstances at the decision of the Headteacher, a more formal consideration of the matter may be appropriate.

- The complaint should be put in writing, and acknowledged in writing.
- The complainant should be given a target date for a response to the complaint, usually 10 school days, and a copy of the complaints procedure.
- It may be appropriate for the complainant to have the opportunity to meet the Headteacher.
- It may be appropriate to provide facilities or assistance if the complainant has a disability.
- The complainant should be advised that they may bring a friend, relative or supporter to speak on their behalf.
- The Headteacher may wish to ensure the presence of a witness on the part of the school.
- Written notes should be kept of interviews, telephone conversations or other action.
- The Headteacher's decision should be conveyed in writing to the complainant, who should be advised of the opportunity to have the complaint heard by a complaints committee if dissatisfied with the decision.
- A record shall be kept that notes the name and address of the complainant, the date the complaint was received, a brief description of the complaint, the action taken to resolve the complaint, notes of interviews, etc, the outcome of the complaint, and any issues that may arise for action by the school.

## **Stage 3: A complaint is considered by the governing body**

This should occur rarely and governors should be satisfied that stages 1 and 2 have been exhausted before considering any matter, or that there are special reasons why they should hear a complaint.

The governing body has established a complaints committee within its committee structure to meet when the need arises. This will be chaired by the Chair of governors, or if appropriate the Vice Chair. The Headteacher will not be a member. As well as the Chair there will be at least two, and no more than four other members. Three members, including the Chair will constitute a quorum. No member should have had prior involvement with the complaint or personal links with the complainant such that the fairness of the proceedings may be affected. The committee will be clerked by the clerk to the governors. The Chair may request that representatives of the LEA or other relevant body observe the meeting and are in a position to provide advice to the committee at the consideration stage.

The Chair of the committee shall be guided by paragraph 74 of Circular 03/2004 in making arrangements for the complainant to attend its hearing of the complaint, and by paragraphs 75–77 relating to the timetable for the hearing, the provision of written evidence, and the notice of meeting and associated papers. All parties should be enabled to provide written evidence if they so wish, and such evidence must be made available freely to all parties. At least five working days' notice should be given of the hearing. The committee will proceed with the hearing in the absence of the complainant or his/her representative unless good reason is shown why there should be an adjournment.

The conduct of the hearing shall be guided by paragraphs 78-81 of Circular 03/2004. Once all the evidence has been heard the committee shall consider its decision in private. It may adjourn to a second meeting in order to do this. It may be advised at this stage by representatives of the LEA or another relevant body. Paragraphs 82-88 of Circular 03/2004 provide guidance on procedures at this stage. Decisions will be by majority agreement with a second or casting vote from the Chair in the event of a tied vote. Guidance on the decision letter is given in paragraphs 85, 88 and 92 of Circular 03/2004. The record of the meeting shall include a full account of the committee's proceedings together with all relevant documentation; the decision reached; a note on action by the school or the governors consequent on the decision; the date of the decision, and a copy of the decision letter.

### **Appeals**

These complaints procedures do not provide for an appeals stage, as the governors have considered that such a provision unduly prolongs the resolution of complaints without real benefit to the parties. Complainants will be advised that the LEA or if applicable the Welsh Assembly Government may review the procedures used by the governing body but not their decision.

### **Exceptions to these procedures**

In each case below it may be appropriate for the person handling the complaint to seek informal resolution wherever feasible.

- Where the Headteacher is the subject of a complaint it shall be referred to the Chair of governors. S/he will follow paragraphs 94-96 of Circular 03/2004 in determining how to proceed.
- Where the complaint is against the Chair of governors it shall be referred to the Vice Chair who will follow paragraphs 100–102 of Circular 03/2004.
- Where the complaint is against both the Headteacher and Chair it shall be referred to the Vice Chair who will follow paragraphs 103-105 of Circular 03/2004.
- Where the complaint is against both Chair and Vice Chair the procedure shall be that the clerk to the governors shall convene the complaints committee whilst ensuring the members have no prior involvement with the complaint. In this instance the committee shall elect a Chair for the hearing.
- Further permutations of complaints against governors and routes for resolution are covered in paragraphs 108-116 of Circular 03/2004 and should be followed where appropriate.

### **Publication**

In accordance with the statutory requirement, these complaints procedures will be summarised in the school's prospectus. A copy will be placed in the school staff room and all staff will be made aware of their roles in respect of the procedure. The full document will be provided to all parents, pupils, relevant bodies and to others who request a copy.